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S/N 10/091,126

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | SMITH, et al. | Examiner: | CHAMBERS, T. |
| Serial No.: | 10/091,126 | Group Art Unit: | 3641 |
| Filed: | March 4, 2002 | Docket No.: | 13515.2US11 |
| Title: | PNEUMATIC BALL PROPULSION APPARATUS | | |

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on December 20, 2005.

By: 
Name: Gina Dahl

RESPONSE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Election of Species requirement of September 26, 2005 and the Notice of Non-Compliant Response mailed December 6, 2005. Applicants appreciate the Examiner's courtesy in discussing this with the undersigned on November 22, 2005. As discussed, it appears that the Election of Species requirement was issued erroneously.

The Office Action of February 14, 2005 indicated that dependent claims 18 and 19 were allowable. In the subsequent Amendment, claim 17 was amended to include the limitation of claim 18. New claims 25 and 26 were presented. Claim 25 represented previous claim 19 written in independent form, i.e. it included all of the features of claims 17 and 19. Claim 26 was identical to pending dependent claim 21, but depended from the new independent claim 25.

As claim 19 had been indicated to be allowable, it appears that no election of species should be necessary at this stage. Therefore, Applicants request that the Election of Species Requirement be withdrawn. Nonetheless, Applicants provisionally elect the species of Fig. 6A-B; claims 17 and 21 read on the elected species.

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PATENT

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is invited to telephone the undersigned at the below-listed telephone number if any issues remain that prevent the allowance of this application.

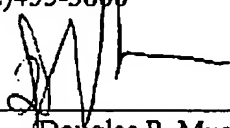


Respectfully submitted,

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Date: December 20, 2005

By



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